IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 31 OF 2006

IN

SECOND APPEAL NO. 149 OF 2004

JOSE CAETANO FERNANDES AND ANR., ...Applicants

Versus

MR.JOSE INACIO FERNANDES ....Respondent

Mr. C. Mascarenhas, Advocate for the applicants.

Mr. Marvin D'Souza, Advocate for the respondent.

Coram:- P.V. KAKADE, J.

Date:- 3rd October, 2006

P.C.

Heard learned Counsel for both the parties. This is an application for temporary injunction, pending the appeal. The second appeal is already admitted raising certain substantial questions of law, by order dated 25th August, 2005.

2. The trial Court, after hearing both the parties and on the basis of the evidence on record, decreed the suit for mandatory as well as perpetual injunction. However, the lower appellate Court, after hearing the parties disagreed with the trial Court and allowed the appeal and the suit came to be dismissed. On the background of these aspects, the present application is made seeking temporary injunction against the respondent. It is submitted at the Bar on behalf of the applicant-appellant that they are in possession of the property. In view of the facts and circumstances, it is hereby directed that the parties shall maintain status

quo as of today as regards the suit property pending the appeal. With this direction, the application stands disposed of with no order as to costs.

P.V. KAKADE, J.

ssm.